

DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION OF INDIA

PART I

From Dr. Ambedkar's entry into the Constituent Assembly to the presentation of the Draft of the Indian Constitution to the Constituent Assembly

Contents

CHAPTER III-The State Legislature

General

Constitution of Legislatures in States in Part I of the First Schedule.	148. (1) For. every State there shall be a Legislature which shall consist of the Governor; and (a) in the States of—, *two Houses, (b) in other States, one House, (2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly and where there is only one' House, it shall be known as the Legislative Assembly.	
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Composition of the Legislative Assemblies.

Composition of the Legislative Assemblies.	149. (1) Subject to the provisions of articles 294 and 295 of this Constitution the Legislative Assembly of each State shall be composed of members chosen by direct election. (2) The election shall be on the basis of adult suffrage; that is to say, every citizen who is not less than twenty-one years of age and is not otherwise disqualified under this Constitution or any law made by the Legislature of the State on the ground of non residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at such elections. (3) The representation of each territorial constituency in the Legislative Assembly of a State shall be on the	
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	<p>basis of the population of that constituency as ascertained at the last preceding census and shall, save in the case of the autonomous districts of Assam, be on a scale of not more than one representative for every lakh of the population:</p> <p>Provided that, the Total number of members in the Legislative Assembly of a State shall in no case be more than three hundred or less than sixty.</p> <p>(4) Upon the completion of each census, the representation of the several territorial constituencies in the Legislative Assembly of each State shall, subject to the provisions of article 289 of this Constitution, be readjusted by such authority, in such manner and with effect from such date as the Legislature of the State may by law determine:</p> <p>Provided that such readjustment shall not affect representation to the Legislative Assembly until the dissolution of the then existing Assembly.</p>	
<p>Composition of the Legislative Councils.</p>	<p>150.</p> <p>(1) The Total number of members in the Legislative Council of a State having such a Council shall not exceed twenty-five per cent of the Total number of members in the Legislative Assembly of that State.</p> <p>(2) Of the Total number of members in the Legislative Council of a State—</p> <p>(a) one-half shall be chosen from panels of candidates constituted under clause (3) of this article;</p> <p>(b) one-third shall be elected by the members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote; and</p> <p>(c) the remainder shall be nominated by the Governor.</p> <p>(3) Before the first general election and, thereafter, before each triennial election under clause (2) of article 151 of this Constitution to the Legislative Council of a State, five panels of candidates shall be formed, of which one</p>	

	<p>shall contain the names of representatives of universities in the State and the remaining four shall respectively contain the names of persons having special knowledge or practical experience in respect of the following subjects, namely—</p> <p>(a) literature, art and science; (b) agriculture, fisheries and allied subjects; (c) engineering and architecture; (d) public administration and social services.</p> <p>(4) Each panel of candidates constituted under clause (3) of this article shall contain at least twice the number to be elected from such panel.</p> <p>(5) For bye-elections clauses (3) and (4) of this article shall have effect subject to such adaptations and modifications as may be prescribed by the Legislature of the State by law.</p>	
Duration of State Legislatures.	<p>151.</p> <p>(1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and the expiration of the said period of *five years shall operate as a dissolution of the Assembly.</p> <p>(2) The Legislative Council of a State shall not be subject to dissolution, but as nearly as may be one-third of the members thereof shall retire as soon as may be on the expiration of every third year in accordance with the provisions made in that behalf by the Legislature of the State by law.</p>	
Age-limit for membership of the State Legislature	<p>152. A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he is, in the case of a seat in a Legislative Assembly, not less than twenty-five years of age. and in the case of a seat in a Legislative Council, not less than thirty-five years of age.</p>	
Sessions of the State Legislature	<p>153.</p> <p>(1) The House or Houses of the Legislature of the State shall be summoned to meet twice at least in every</p>	

<p>prorogation & dissolution</p>	<p>year. and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.</p> <p>(2) Subject to the provisions of this article, the Governor may from time to time—</p> <p>(a) summon the Houses or either House to meet at such time and place as he thinks fit;</p> <p>(b) prorogue the House or Houses:</p> <p>(c) dissolve the Legislative Assembly.</p> <p>(3) The functions of the Governor under subclauses (a) and (c) of clause (2) of this article shall be exercised by him in his discretion.</p>	
<p>Right of Governor to address & send messages to the Houses.</p>	<p>154.</p> <p>(1) The Governor may address the Legislative Assembly or in the case of a State having a Legislative Council, either House of the Legislature of the State, or both Houses assembled together, and may for that purpose require the attendance of members.</p> <p>(2) The Governor may send messages to the House or Houses of the Legislature of the State whether with respect to a Bill then pending in the Legislature or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.</p>	
<p>Special address by the Governor at the commencement of each session & discussion in the Legislature of matters referred to in the address</p>	<p>155. (This clause which is based on the practice prevalent in the Parliament of the United Kingdom has been inserted by the Committee as it considers that it will prove useful in our Constitution also.</p> <p>Page: 4</p> <p>The Committee has inserted this sub-clause following the provision of section 44 (i) of the Australia Constitution Act)</p> <p>(1) At the commencement of every session, the Governor shall address the Legislative Assembly or in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the cause of its summons.</p> <p>(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for a discussion of the matters referred to in such address</p>	

	and for the precedence of such discussion over other business of the House.	
Rights of ministers & Advocate General as respects the Houses	156. Every minister and the Advocate-General for a State shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State or, in the case of a State having a Legislative Council, both Houses and any joint sitting of the Houses, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this article, be entitled to vote.	

Officers of The State Legislature

The Speaker & Deputy Speaker of the Legislative Assembly	157. Every Legislative Assembly of a State shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.	
Vacation & resignation of, & removal from the office of, Speaker & Deputy Speaker	<p>158. A member holding office as Speaker or Deputy Speaker of an Assembly—</p> <p>(a) shall vacate his office if he member of the Assembly;</p> <p>(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and</p> <p>(c) may be removed from his office for incapacity or want of confidence by a resolution of the Assembly passed by a majority of all the then members of the Assembly:</p> <p>Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:</p> <p>Provided further that, whenever the Assembly is</p>	

	<p>dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.</p>	
<p>Power of the Deputy Speaker or other persons to perform the duties of the office of or to act as Speaker</p>	<p>159.</p> <p>(1) While the office of Speaker is vacant the duties of the office shall be performed by the Deputy Speaker, or if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may appoint for the purpose.</p> <p>(2) During the absence of the Speaker from any sitting of the Assembly, the Deputy Speaker or, if he is also absent such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.</p>	
<p>The Chairman & Deputy Chairman of the Legislative Council</p>	<p>160. The Legislative Council of every State having such Council, shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.</p>	
<p>Vacation & resignation of & removal from, the office of Chairman & Deputy Chairman</p>	<p>161. A member holding office as Chairman or Deputy Chairman of a Legislative Council—</p> <p>(a) shall vacate his office if he ceases to be a member of the Council;</p> <p>(b) may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office; and</p> <p>(c) may be removed from his office for incapacity or want of confidence by a resolution of the Council passed by a majority of all the then members of the Council:</p> <p>Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen</p>	

	days notice has been given of the intention to move the resolution.	
Power of the Deputy Chairman or other persons to perform the duties of the office of, or to act as, Chairman	<p>162.</p> <p>(1) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or if the office of Deputy Chairman is also vacant by such member of the Council as the Governor may appoint for the purpose.</p> <p>(2) During the absence of the Chairman from any sitting of the Council, the Deputy Chairman or, if he is also absent such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as Chairman.</p>	
Salaries & Allowances of the Speaker & Deputy Speaker & the Chairman & Deputy	<p>163. There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly and to the Chairman and the Deputy Chairman of the Legislative Council such salaries and allowances as may be respectively fixed by the Legislature of the State by law, and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.</p>	

Conduct of Business

Voting in Houses; power of Houses to act notwithstanding vacancies & quorum	<p>164.</p> <p>(1) Save as provided in this Constitution, all questions in a House or a joint sitting of two Houses of the Legislature of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or Chairman or person acting as such.</p> <p>The Speaker or Chairman or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.</p> <p>(2) A House of the Legislature of a State shall have power to act notwithstanding any vacancy in the membership</p>	
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	<p>thereof, and any proceedings in the Legislature of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.</p> <p>(3) If at any time during a meeting of the Legislative Assembly or the Legislative Council of a State there is no quorum, it shall be the duty of the Speaker or Chairman or person acting as such either to adjourn the House or to suspend the meeting until there is a quorum.</p> <p>The quorum shall be ten members or one-sixth of the Total number of members of the House, whichever is greater.</p>	
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Disqualifications of Members

<p>Declaration by members</p>	<p>165. Every member of the Legislative Assembly by or the Legislative Council of a State shall, before taking his seat, make and subscribe before the Governor or some person appointed in this behalf by him, a declaration according to the form set out for the purpose in the Third Schedule.</p>	
<p>Vacation of seats</p>	<p>166.</p> <p>(1) No person shall be a member of both seats. Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.</p> <p>(2) No person shall be a member both of Parliament and of the Legislature of a State and if a person is chosen a member both of Parliament and of the Legislature of a State, then, at the expiration of such period as may be specified in rules made by the Governor of the State, that person's seat in the Legislature of the State shall become vacant, unless he has previously resigned his seat in Parliament.</p> <p>(3) If a member of a House of the Legislature of a State—</p> <p>(a) becomes subject to any of the disqualifications mentioned in clause (1) of the next succeeding article;</p>	

	<p>or</p> <p>(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, his seat shall there upon become vacant.</p> <p>(4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:</p> <p>Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.</p>	
<p>disqualifications for membership</p>	<p>167.</p> <p>(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State—</p> <p>(a) if he holds any office of profit under the Government of India or the Government of any State for the time being specified in the First Schedule other than an office declared by the Legislature of the State by law not to disqualify its holder;</p> <p>(b) if he is of unsound mind and stands so declared by a competent court;</p> <p>(c) if he is an undischarged insolvent;</p> <p>* (d) if he is under any acknowledgement of allegiance or adherence to a foreign power or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power;</p> <p>(e) if he is so disqualified by or under any law made by the Legislature of the State.</p> <p>(2) For the purposes of this article, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State for the time being specified in the First Schedule by reason only that—</p> <p>(a) he is a minister either for India or for any State for the time being specified in Part I of the First Schedule; or</p> <p>(b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is</p>	

	responsible to the Legislature of the State, or where there are two Houses of the Legislature of the State, to the Lower House of such Legislature and if not less than three-fourths of the members of such Legislature or House, as the case may be, are elected.	
Penalty for sitting & voting before making declaration under article 165 or when not qualified or when disqualified	168. If a person sits or votes as a member of the legislative Assembly or the Legislative Council of a State before he has complied with the requirements of article 165 of this Constitution, or when he knows that he is not qualified or that he is disqualified for membership thereof or that he is prohibited from so doing by the provisions of any law made by the Legislature of the State, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State,	

Privileges and Immunities of Members

Privileges etc. of members	<p>169.</p> <p>(1) Subject to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.</p> <p>(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.</p> <p>(3) In other respects the privileges and immunities of members of a House of the Legislature of a State shall be such as may from time to time be defined by the Legislature by law, and until so defined. Shall be such as are enjoyed by the members of the House of Commons of the Parliament of the United Kingdom at the commencement of this Constitution.</p> <p>(4) The provisions of clauses (1), (2) and (3) of this article shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise take part in the proceedings of, a House of the</p>	
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	Legislature of a State as they apply in relation to members of that Legislature.	
Salaries & allowances of members	170. Members of the Legislative Assembly and the Legislative Council of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of the State by law, and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of commencement of this Constitution applicable in the case of members of the Provincial Legislative Assembly for that State.	

Legislative Procedure

Provisions as introduction & passing of Bills.	<p>171.</p> <p>(1) Subject to the provisions of articles 173 and 182 of this Constitution with respect to Money Bills and other financial Bills, a Bill may originate in either House of the Legislature of a State which has a Legislative Council,</p> <p>(2) Subject to the provisions of articles 172 and 173 of this Constitution, a Bill shall not be deemed to have been passed by the Houses of the Legislature of a State having a Legislative Council unless it has been agreed to by both Houses either without amendment or with such amendments only as are agreed to by both Houses.</p> <p>(3) A Bill pending in the Legislature of a State shall not lapse by reason of the prorogation of the House or Houses thereof.</p> <p>(4) A Bill pending in the Legislative Council of a State which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly.</p> <p>(5) A Bill which is pending in the Legislative Assembly of a State, or which having been passed by the Legislative Assembly is pending in the Legislative Council, shall</p>	
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	lapse on a dissolution of the Assembly.	
<p>Joint sitting of both Houses in States having Legislative Council's in certain cases</p>	<p>172.</p> <p>(1) If after a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council, more than six months elapse from the date of the reception of the Bill by the Council without the Bill being passed by both Houses, the Governor may, unless the Bill has lapsed by reason of a dissolution of the Legislative Assembly, summon the Houses to meet in a joint sitting for the purposes of deliberating and Yoking on the Bill:</p> <p>Provided that nothing in this clause shall apply to a Money Bill.</p> <p>(2) In reckoning any such period of six months as is referred to in clause (1) of this article, no account shall be taken of any time during which both Houses are prorogued or adjourned for more than four days.</p> <p>(3) If at the joint sitting of the two Houses summoned in accordance with the provisions of this article the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the Total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:</p> <p>Provided that at a joint sitting—</p> <p>(a) if the Bill has not been passed by the Legislative Council with amendments and returned to the Legislative Assembly, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;</p> <p>(b) if the Bill has been so passed and returned by the Legislative Council, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed; and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.</p>	

<p>Special procedure in respect of Money Bills</p>	<p>*173.</p> <p>(1) A Money Bill shall not be introduced in a Legislative Council.</p> <p>(2) After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of thirty days from the date of its receipt of the Bill return the "Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative Council.</p> <p>(3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Legislative Council and accepted by the Legislative Assembly.</p> <p>(4) If the Legislative Assembly does not accept any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by the Legislative Assembly without any of the amendments recommended by the Legislative Council.</p> <p>(5) If a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of thirty days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly,</p>	
<p>Definition of "Money Bills"</p>	<p>174.</p> <p>(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:—</p> <p>(a) the imposition, abolition, remission, alteration or regulation of any tax;</p> <p>(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of</p>	

	<p>the law with respect to any financial obligations undertaken or to be undertaken by the State;</p> <p>(c) supply;</p> <p>(d) the appropriation of the revenues of the State;</p> <p>(e) the declaring of any expenditure to be expenditure charged on the revenues of the State, or the increasing of the amount of any such expenditure;</p> <p>(f) the receipt of money on account of the revenues of the State or the custody or issue of such money or the audit of the accounts of the State; or</p> <p>(g) any matter incidental to any of the matters specified in items (a) to (f) of this clause.</p> <p>(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any Total authority or body for Total purposes.</p> <p>(3) If any question arises whether a Bill introduced ill the Legislature of a State which has a Legislative Council is a Money Bill or not, the decision of the Speaker of the Legislative Assembly of such State thereon shall be final.</p> <p>(4) There shall be endorsed on every Money Bill when it is transmitted to the Legislative Council under the last preceding article, and when it is presented to the Governor for assent under the next succeeding article, the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.</p>	
Assent of Bills	<p>175. A Bill which has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:</p> <p>Provided that where there is only one House of the</p>	

	<p>Legislature and the Bill has been passed by that House, .the Governor may, in his discretion, return the Bill together with a message requesting that the House will reconsider the Bill or any specified provisions thereof and, in particular, will reconsider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House shall reconsider it accordingly and if the Bill is passed again by the House with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom.</p>	
<p>Bills reserved for consideration</p>	<p>176. When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom: Provided that where the Bill is not a Money Bill the President may direct the Governor to return the Bill to the House or, as the case may be, the Houses of the Legislature of the State together with such a message as is mentioned in the proviso to the last preceding article and, when a Bill is so returned, the House or Houses shall reconsider -it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by them with or without amendment, it shall be presented again to the President for his consideration.</p>	

Procedure in Financial Matters

<p>Annual Financial Statement</p>	<p>177. (1) The Governor shall in respect of every financial year cause to be laid before the House or . Houses of the Legislature of the State a statement of the estimated receipts and expenditure of the State for that year, in this Part of this Constitution referred to as the "annual financial statement". (2) The estimates of expenditure embodied in the annual financial statement shall show separately—</p>	
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<p>Procedure in Legislature with respect to estimates</p>	<p>(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the revenues of the State; and</p> <p>(b) the sums required to meet other expenditure proposed to be made from the revenues of the State; and shall distinguish expenditure on revenue account from other expenditure.</p> <p>(3) The following expenditure shall be expenditure charged on the revenues of each State—</p> <p>(a) the emoluments and allowances of the Governor and other expenditure relating to his office;</p> <p>(b) the emoluments and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly, and in the case of a State having a Legislative Council, also of the Chairman and the Deputy Chairman of the Legislative Council;</p> <p>(c) debt charges for which the State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;</p> <p>(d) expenditure in respect of the salaries and allowances of judges of any High Court;</p> <p>(e) any sums required to satisfy any judgement, decree or award of any court or arbitral tribunal;</p> <p>(f) any other expenditure declared by this Constitution or by the Legislature of the State by law to be so charged.</p> <p>178.</p> <p>(1) So much of the estimates as relates to expenditure charged upon the revenues of a State shall not be submitted to the vote of the Legislative Assembly, but nothing in this clause shall be construed as preventing the discussion in the Legislature of those estimates.</p> <p>(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified</p>
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	<p>therein.</p> <p>(3) So demand for a grant shall be made except on the recommendation of the Governor.</p>	
<p>Authenticatio n of schedule of authorised expenditure</p>	<p>179.</p> <p>(1) The Governor shall authenticate by his signature a schedule specifying—</p> <p>(a) the grants made by the Assembly under the last preceding article; (b) the several sums required to meet the expenditure charged on the revenues of the State, but not exceeding in any case, the sum shown in the statement previously laid before the House or Houses,</p> <p>(2) The schedule so authenticated shall be laid before the Assembly but shall not be open to discussion or vote in the Legislature.</p> <p>(3) Subject to the provisions of the next two succeeding articles, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.</p>	
<p>Supplementar y statements of expenditure</p>	<p>180. If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the House or Houses a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding articles shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.</p>	
<p>Excess grants</p>	<p>*181. If in any financial year expenditure from the revenues of the State has been incurred on any service for which the vote of the Legislative Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly and the provisions of articles 178 and 179 of this Constitution shall have</p>	

	effect in relation to such demand as they have effect in relation to a demand for a grant.	
Special provisions as to financial Bills	<p>182.</p> <p>(1) A Bill or amendment making provision for any of the matters specified in items (a) to (f) of clause (1) of article 174 of this Constitution shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council:</p> <p>Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.</p> <p>(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any Total authority or body for Total purposes.</p> <p>(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a State shall not be passed by a. House of the Legislature of the State unless the Governor has recommended to that House the consideration of the Bill.</p>	

Procedure Generally

Rules of Procedure	<p>183. (1) A House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.</p> <p>(2) Until rules are made under clause (1) of this article, the rules of procedure and standing orders in force immediately before the commencement of this</p>	
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	<p>Constitution with respect to the Provincial Legislature for the State shall have effect in relation to the Legislature of that State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be.</p> <p>(3) In a State having a Legislative Council the Governor, after consultation with the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.</p> <p>(4) At a joint sitting of the two Houses the <u>Speaker of the Legislative Assembly*</u> , or in his absence such person as may be determined by rules of procedure made under clause (3) of this article, shall preside.</p>	
<p>Language to be used in the Legislatures of States.</p>	<p>184.</p> <p>(1) In the Legislature of a State, business shall be transacted in the language or languages generally used in that State or in Hindi or in English.</p> <p>(2) The Speaker of the Legislative Assembly or the Chairman of the Legislative Council may, whenever he thinks fit, make arrangements for making available in the Assembly or the Council, as the case may be, a summary in any language generally used in the State or in English of the speech delivered by a member in any other language, and such summary shall be included in the record of the proceedings of the House in which the speech has been delivered.</p>	
<p>Restrictions on discussion in the Legislature</p>	<p>185.</p> <p>(1) No discussion shall take place in the Legislature of a State with respect to the conduct of any judge of the Supreme Court or of a High Court in the discharge of his duties.</p> <p>(2) In this article, the reference to a High Court shall be construed as including a reference to any court in a State for the time being specified in Part III of the</p>	

	First Schedule which is a High Court for any of the purposes of Chapter IV of Part V of this Constitution.	
Courts not to inquire into proceedings of the Legislature	<p>186.</p> <p>(1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.</p> <p>(2) No officer or other member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.</p>	

CHAPTER IV-Legislative Power of the Governor

Power of Governor to promulgate Ordinances during recess of Legislature	<p>187. (1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:</p> <p>Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if an Act of the Legislature of the State containing the same provisions would under the provisions of this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.</p> <p>(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—</p> <p>(a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the</p>	
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	<p>State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period a resolution dis-approving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council; and</p> <p>(b) may be withdrawn at any time by the Governor.</p> <p>Explanation.—Where the Houses of the Legislature of a State having a Legislative Council are summoned to re-assemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.</p> <p>(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void:</p> <p>Provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of the Legislature of a State which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List, an Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the State which has been reserved for the consideration of the President and assented to by him.</p>	
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CHAPTER V-Provisions in Cases of Grave Emergencies

<p>Power of Governor in grave emergencies</p>	<p>188. (1) If at any time the Governor of a State is satisfied that a grave emergency has arisen which threatens the peace and tranquillity of the State and that it is not possible to carry on the Government of the State in accordance with the provisions of this Constitution, he may, by proclamation, declare that his functions shall, to such extent as may be specified in the</p>	
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	<p>proclamation, be exercised by him in his discretion, and any such proclamation may contain such incidental and consequential provisions as may appear to him necessary or desirable for giving effect to the objects of the proclamation including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State:</p> <p>Provided that nothing in this clause shall authorise the Governor to suspend, either in whole or in part, the operation of any provision of this Constitution relating to High Courts.</p> <p>(2) The proclamation shall be forthwith communicated by the Governor to the President who may, thereupon either revoke the proclamation or take such action as he considers appropriate in exercise of the emergency powers vested in him under article 278 of this Constitution.</p> <p>(3) A proclamation under this article shall cease to operate at the expiration of two weeks unless revoked earlier by the Governor or by the President by public notification.</p> <p>(4) The functions of the Governor under this article shall be exercised by him in his discretion.</p>	
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CHAPTER VI-Scheduled and Tribal Areas

Definitions.	<p>189. In this Constitution—</p> <p>(a) the expression "scheduled areas"* means the areas specified in Parts I to VII of the table appended to paragraph 18 of the Fifth Schedule in relation to the States to which those Parts respectively relate;</p> <p>(b) the expression "tribal areas" means the areas specified in Parts I and II of the table appended to paragraph 19 of the Sixth Schedule.</p>	
Administration of scheduled &	190.	

tribal areas.	<p>(1) The provisions of the Fifth Schedule shall apply to the administration and control of the scheduled areas and scheduled tribes in any State for the time being specified in Part I of the First Schedule.</p> <p>(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam.</p>	
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CHAPTER VII-The High Courts in the States

Meaning of "High Court."	<p>191. (1) For the purposes of this Constitution the following courts shall, in relation to the territory of India except the States for the time being specified in Part III of the First Schedule, be deemed to be High Courts, that is to say,—</p> <p>(a) the High Courts in Calcutta, Madras, Bombay, Allahabad, Patna and Nagpur, the High Court of East Punjab and the Chief Court in Oudh;</p> <p>(b) any other court in any of these States constituted or re-constituted under this Chapter as a High Court; and</p> <p>(c) any other court in any of these States which may be declared by the appropriate Legislature by law to be a High Court for the purposes of this Constitution:</p> <p>Provided that if provision is made by the appropriate Legislature for the establishment of a High Court to replace any court or courts mentioned in this clause, then, as from the establishment of the new court, this article shall have effect as if the new court were mentioned therein in lieu of the court or courts so replaced.</p> <p>(2) Save as otherwise provided, the provisions of this Chapter shall apply to every High Court referred to in clause (1) of this article.</p>	
Constitution of High	<p>192. Every High Court shall be a court of record and shall consist of a Chief Justice and such other judges as the President may from time to time deem it</p>	

	<p>necessary to appoint:</p> <p>Provided that the judges so appointed together with any additional judges appointed by the President in accordance with the following provisions of this Chapter shall at no time exceed in number such maximum as the President may by order fix in relation to that Court.</p>	
<p>Appointment & conditions of the office, of a judge of a High court.</p>	<p>193.</p> <p>(1) Every judge of a High Court shall be appointed by the President by a warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and in the case of appointment of a judge other than the Chief Justice, the Chief Justice of the High Court " of the State, and shall hold office until he attains the age of sixty years <u>*or such higher age not exceeding sixty-five years as may be fixed in this behalf by law of the Legislature of the State:</u></p> <p>Provided that—</p> <p>(a) a judge may, by writing under his hand addressed to the Governor, resign his office;</p> <p>(b) a judge may be removed from his office by the President in the manner provided in clause (4) of article 103 of this Constitution for the removal of a judge of the Supreme Court;</p> <p>(c) the office of the judge shall be vacated by his being appointed by the President to be a judge of the Supreme Court or of any other High Court.</p> <p>(2) A person shall not be qualified for appointment as a judge of a High Court unless he is a citizen of India and—</p> <p>(a) has held for at least ten years a judicial office in any State in or for which there is a High Court', or</p> <p>(b) has been for at least ten years an advocate 20 of a High Court or of two or more such courts in succession.</p>	

	<p>Explanation 1.—For the purposes of this clause—</p> <p>(a) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which a person held judicial office after he became an advocate;</p> <p>(b) in computing the period during which a person has held judicial office in a State for the time being specified in Part I or Part II of the First Schedule or been an advocate of a High Court, there shall be included any period before the commencement of this Constitution during which he held judicial office in any area which was comprised before the fifteenth day of August, 1947, within British India as defined by the Government of India Act, 1935, or has been an advocate of any High Court in any such area, as the case may be.</p> <p>Explanation II.—In sub-clauses (a) and (b) of this clause, the reference to a High Court shall be construed as including a reference to a court in a State for the time being specified in Part III of the First Schedule which is a High Court for the purposes of articles 108 and 106 of this Constitution.</p>	
<p>Application of certain provisions relating to Supreme Court to High Court.</p>	<p>194. The provisions of clauses (4) and (5) of article 103 of this Constitution shall apply in relation to a High Court as they apply in relation to the Supreme Court with the substitution of references to the High Court for references to the Supreme Court.</p>	
<p>Declaration by judges of High Courts before entering office</p>	<p>195. Every person appointed to be a judge of a High Court in a State shall, before he enters upon his office, make and subscribe before the Governor of the State or some person appointed in that behalf by him a declaration according to the form set out for the purpose in the Third Schedule.</p>	
<p>Prohibition of</p>	<p>*196. No person who has held office—</p>	

<p>practising in courts of before any authority by a person who held office as a judge of a High Courts</p>	<p>(a) as a judge of a High Court, or (b) as an additional judge or temporary judge of a High Court on having been recruited from the Bar, shall plead or act in any Court or before any authority within the territory of India.</p>	
<p>Salaries, etc. of judges</p>	<p>197. The judges of each High Court shall be entitled to such salaries and allowances, and to such rights in respect of leave and pensions, as may from time to time be fixed by or under law 'made by the Legislature of the State in which the Court has its principal seat, and until they are so fixed, shall be entitled to such salaries, allowances and rights in respect of leave of absence or pension as are specified in the Second Schedule:</p> <p>Provided that the salary of the Chief Justice of a High Court shall not be less than four thousand rupees per month and the salary of any other judge of a High Court shall not be less than three thousand and five hundred rupees per month:</p> <p>Provided further that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.</p>	
<p>Temporary judges</p>	<p>198.</p> <p>(1) When the office of Chief Justice of a High Court is vacant or when any such Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other judges of the court as the President may appoint for the purpose.</p> <p>(2) (a) When the office of any other judge of a High Court is vacant or when any such judge is appointed to act temporarily as a Chief Justice, or is unable to perform the duties of his office by reason of absence or otherwise, the President may appoint a person duly qualified for appointment as a judge to act as a</p>	

	<p>judge of that court.</p> <p>(b) The person appointed shall, while so acting, be deemed to be a judge of the court.</p> <p>(c) Nothing contained in this clause shall prevent the President from revoking any appointment made under this clause.</p>	
Additional judges.	<p>199. If by reason of any temporary increase .in the business of any High Court or by reason of arrears of work in any such court, it appears to the President that the number of the judges of the court should be for the time being increased, the President may, subject to the foregoing provisions of this Chapter with respect to the maximum number of judges, appoint persons ' duly qualified for appointment as judges to be additional judges of the court for such period not exceeding two years as he may specify.</p>	
Attendance of retired judges at sittings of High Courts	<p>*200. Notwithstanding anything contained in this Chapter, the Chief Justice of a High Court may at any time, subject to the provisions of this article, request any person who has held the office of a judge of that court to sit and act as a judge of the court, and every such person so requested shall, while so sitting and acting, have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a judge of that court :</p> <p>Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a judge of that court unless he consents so to do.</p>	
Jurisdiction of existing High Courts	<p>201. Subject to the provisions of this Constitution and to any provisions of any law of the appropriate Legislature made by virtue of the powers conferred on that Legislature by this Constitution, the jurisdiction of, and the law administered in, any existing High Court, and the respective powers of the judges thereof in relation to the administration of justice in the court, including any power to make</p>	

	<p>rules of court and to regulate the sittings of the court and of members thereof sitting atone or in division courts, shall be the same as immediately "before the commencement of this Constitution:</p> <p>Provided that any restriction to which the exercise of original jurisdiction of any of the High Courts with respect to ' any matter concerning the revenue or concerning any act ordered or done in the collection thereof was subject immediately before the commencement of this Constitution shall no tonger apply to the exercise of such jurisdiction.</p>	
<p>Power of High Courts to issue certain</p>	<p>202. (1) Notwithstanding anything contained in article 25 of this Constitution, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue directions or orders in the nature of the writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari, for the enforcement of any of the rights conferred by Part III of this Constitution and for any other purpose.</p> <p>(2) The power conferred on a High Court by clause (1) of this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 25 of this Constitution.</p>	
<p>Administrative functions of High Courts</p>	<p>203.</p> <p>(1) Every High Court shall have superintendence over all courts throughout the territories in relation to which it exercises jurisdiction.</p> <p>(2) The High Court may—</p> <p>(a) call for returns from such courts;</p> <p>(b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction, or withdraw such suit or appeal from any such court to itself;</p> <p>(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and</p> <p>(d) prescribe forms in which books, entries and accounts</p>	

	<p>shall be kept by the officers of any such courts.</p> <p>(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:</p> <p>Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) of this article shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the Governor.</p>	
Transfer of certain cases to High Court for trial	<p>204. If the High Court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of this Constitution, it shall withdraw the case to itself and dispose of the same.</p> <p>Explanation.—In this article, "High Court" includes a court of final jurisdiction in a State for the time being specified in Part III of the First Schedule with regard to the case so pending.</p>	
Salaries, allowances & pensions of officers & servants & the expenses of High Courts	<p>205.</p> <p>(1) The salaries, allowances and pensions payable to or in respect of the officers and servants of a High Court shall be fixed by the Chief Justice of the court in consultation with the Governor of the State in which the High Court has its principal seat.</p> <p>(2) The administrative expenses of a High Court, 'including all salaries, allowances and pensions payable to or in respect of officers and servants of the court, and the salaries and allowances of the judges of the court, shall be charged upon the revenues of the State, and any fees or other moneys taken by the court shall form part of those revenues.</p>	
Power to constitute or re-constitute High	<p>206.</p> <p>(1) The Legislature of a State for the time being specified in Part I of the First Schedule may, by law,</p>	

<p>Court</p>	<p>constitute a High Court for the State or any part thereof or reconstitute in like manner any existing High Court for that State or for any part thereof, or where there are two High Courts in that State, amalgamate those courts.</p> <p>(2) Where any court is reconstituted, or two courts are amalgamated, as aforesaid, the law made by the Legislature of the State shall provide for—</p> <p>(a) the continuance in their respective offices of all the existing judges of the court or courts and of such of the existing officers and servants of the court or courts as may be deemed necessary; and</p> <p>(b) the carrying on before the reconstituted court or the new court of all pending matters.</p> <p>and may contain such other provision as may appear to be necessary by reason of the reconstitution or amalgamation.</p>	
<p>Extension of or exclusion from the jurisdiction of High Courts.</p>	<p>207. Parliament may by law—</p> <p>(a) extend the jurisdiction of a High Court to, or</p> <p>(b) exclude the jurisdiction of a High Court from,</p> <p>any State other than, or any area not within, the State in which the High Court has its principal seat:</p> <p>Provided that no Bill for any such purpose shall be introduced in either House of Parliament unless—</p> <p>(i) where the jurisdiction is to be extended to or excluded from a State for the time being specified in Part I or Division A of Part III of the First Schedule or any area within such State, the consent of such other State has been obtained; and</p> <p>(ii) where the jurisdiction is to be extended, the consent of the State in which the High Court has its principal seat has also been obtained.</p>	
<p>Restrictions on the power of the Legislatures of</p>	<p>208. Where a High Court exercises jurisdiction in relation to any area outside the State in which it has its principal seat, nothing in this Constitution shall be construed—</p>	

<p>States make laws with respect to jurisdiction of a High Court in a State having jurisdiction outside that State.</p>	<p>(a) as empowering the Legislature of the State in which the court has its principal seat to increase, restrict or abolish that jurisdiction;</p> <p>(b) as empowering the Legislature of a State for the time being specified in Part I or Part III of the First Schedule in which any such area is situate, to abolish that jurisdiction; or</p> <p>(c) as preventing the Legislature having power to make laws in that behalf for any such area, from passing, subject to the provisions of clause</p> <p>(b) of this article, such laws with respect to the jurisdiction of the court in relation to that area as it would be competent to pass if the principal seat of the court were in that area.</p>
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CHAPTER IX- Auditors-in-

<p>Interpretation</p>	<p>209. Where a High Court exercises jurisdiction in relation to more than one State or in relation to a State and an area not forming part of the State—</p> <p>references in this Chapter to the Governor in relation to the judges of a High Court shall be construed as references to the Governor of the State in which the court has its principal seat;</p> <p>the reference to the approval by the Governor of rules, forms and tables for subordinate courts shall be construed as a reference to the approval thereof by the Governor or the Ruler of the State in which the subordinate court is situate, or if it is situate in an area not forming part of any State for the time being specified in Part I or Part III of the First Schedule, by the President:</p> <p>and (c) references to the revenues of the State shall be construed as references to the revenues of the State in which the court has its principal seat.</p>
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Chief for the States

<p>Auditor-in-Chief for a State.</p>	<p>210.</p> <p>(1) The Legislature of a State for the time Chief for a being specified in Part I of the First Schedule may by law provide for the appointment of an Auditor-in-Chief for the State and when such provision has been made an Auditor-in-Chief for that State may be appointed by the Governor in his discretion and the Auditor-in-Chief so appointed shall only be removed from office in like manner and on the like grounds as a judge of the High Court of the State.</p> <p>(2) An Act passed under clause (1) of this article by the Legislature of a State shall provide that no appointment of an Auditor-in-Chief for the State shall be made until the expiration of at least three years from the date of the publication after assent of the Act.</p> <p>(3) Every such Act shall prescribe the conditions of service of the Auditor-in-Chief and the duties which shall be performed and the powers which shall be exercised by the Auditor-in-Chief in relation to the accounts of the State and shall declare the salary, allowances and pension payable to or in respect of the Auditor-in-Chief to be charged on the revenues of the State.</p> <p>The Auditor-in-Chief of the State shall be eligible for appointment as Auditor-General of India or as Auditor-in-Chief for any other State for the time being specified in Part I of the First Schedule but not for any other appointment either under the Government of India or under the Government of any State after he has ceased to hold his office.</p> <p>(5) The salaries, allowances and pensions payable to or in respect of members of the staff of the Auditor-in-Chief of a State shall be fixed by the Auditor-in-Chief in consultation with the Governor and shall be charged upon the revenues of the State.</p> <p>(6) Nothing in this article shall derogate from the power of the Auditor-General of India to give such directions in respect of the accounts of the States for the time being specified in Part I of the First</p>	
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	Schedule as are mentioned in article 126 of this Constitution.	
Audit reports.	211. The reports of the Auditor-General of India or the Auditor-in-Chief of the State, as the case may be, relating to the accounts of a State for the time being specified in Part I of the First Schedule shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.	

PART VII

The States in Part II of the First Schedule

Administrati on of States in Part II of the First Schedule.	<p>212.</p> <p>(1) Subject to the other provisions of this Part, a State for the time being specified in Part II of the First Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or a Lieutenant-Governor to be appointed by him or through the Governor or Ruler of a neighbouring State;</p> <p>Provided that the President shall not act through the Governor or Ruler of a neighbouring State save after—</p> <p>(a) consulting the Governor or Ruler concern. ed; and</p> <p>(b) ascertaining, in such manner as the President considers most appropriate the wishes of the people of the State to be so administered.</p> <p>(2) Any State for the time being specified in Part III of the First Schedule whose Ruler has ceded full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State to the Government of India shall be administered in all respects as if the State were for the time being specified in Part II of the First Schedule; and, accordingly, all the provisions of this Constitution relating to States specified in the said Part II shall apply to such State.</p>	
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<p>Creation of continuance of local Legislature or Council of Advisers.</p>	<p>213. The President may, by order, create or continue for any State for the time being specified in Part II of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—</p> <p>(a) a Total Legislature, or</p> <p>(b) a Council of Advisers or both, with such constitution, powers and functions, in each case, as may be specified in the order.</p>	
<p>Coorg</p>	<p>214. Until other provision is made in this behalf by the President, the constitution, powers and functions of the Coorg Legislative Council and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg shall remain unchanged.</p>	

Part VIII
The Territories in Part IV of the First
Schedule and other Territories
Not Specified in that Schedule

<p>Administration of territories specified in Part IV of the First Schedule & other territories not specified in that Schedule.</p>	<p>215.</p> <p>(1) Any territory specified in Part IV of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him.</p> <p>(2) The President may make regulations for the peace and good government of any such territory and any regulation so made may repeat or amend any law made by Parliament or any existing law which is for the time being applicable to such territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to such territory.</p>	
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PART IX
Relations between the Union and the States
CHAPTER I-Legislative Relations

DISTRIBUTION OF LEGISLATIVE POWERS

<p>Extent of laws made by Parliament & by the Legislatures of States.</p>	<p>216.</p> <p>(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.</p> <p>(2) No law made by parliament shall be deemed to be invalid on the ground that it would have extraterritorial operation.</p>	
<p>Subject matter of laws made by Parliament & by the Legislatures of States.</p>	<p>217.</p> <p>(1) Notwithstanding anything in the two next succeeding clauses, Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List").</p> <p>(2) Notwithstanding anything in the next succeeding clause, Parliament and, subject to the preceding clause, the Legislature of any State for the time being specified in Part I of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").</p> <p>(3) Subject to the two preceding clauses, the Legislature of any State for the time being specified in Part I of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").</p> <p>(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included for the time being in Part I or Part III of the First Schedule notwithstanding that such matter is a</p>	

	matter enumerated in the State List.	
Legislation with respect to the Supreme Court.	218. Parliament has the exclusive power to make laws with respect to the constitution, organisation, jurisdiction and powers of the Supreme Court.	
Power of Parliament to provide for the establishment of certain additional courts.	219. Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing law with respect to a matter enumerated in the Union List.	
Legislation with respect to constitution & organisation of High Courts.	220. (1) The Legislature of a State for the time being specified in Part I of the First Schedule has the exclusive power to make laws with respect to the constitution and organisation of any High Court having its principal seat within such State. (2) Parliament has power to make laws with respect to the c219. Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing law with respect to a matter enumerated in the Union List. Constitution and organisation of any High Court having its principal seat in a State for the time being specified in Part II of the First Schedule.	
Legislation with respect to jurisdiction & powers of High Courts.	221. (1) Parliament has the exclusive power to make laws regarding the jurisdiction and powers of any High Court with respect to any of the matters enumerated in the Union List. (2) The Legislature of a State for the time being specified in Part I of the First Schedule in relation to which or in relation to any area within which a High Court exercises jurisdiction has the exclusive power to make laws regarding the jurisdiction and powers of such High Court in relation to such State or area	

	<p>with respect to any of the matters enumerated in the State List.</p> <p>(3) Parliament and also the Legislature of a State for the time being specified in Part I of the First Schedule in relation to which or in relation to any area within which a High Court exercises jurisdiction have power to make laws regarding the jurisdiction and powers of such High Court in relation to such State or area with respect to any of the matters enumerated in the Concurrent List.</p> <p>(4) Parliament has power to make laws regarding the jurisdiction and powers of a High Court in relation to a State for the time being specified in Part II of the First Schedule or any area within such State with respect to any of the matters enumerated in the State List.</p>	
Legislation with respect to the procedure to be followed by High Courts in civil & criminal matters.	222. Parliament and also the Legislature of a State for the time being specified in Part I of the First Schedule in which a High Court has its principal seat have power to make laws with respect to the procedure to be followed by such High Court in civil and criminal matters.	
Residuary powers of legislation.	223. <p>(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.</p> <p>(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.</p>	
Restriction on powers of Parliament to make laws with respect to certain matters in relation to	224. Notwithstanding anything in clause (1) of article 217 of this Constitution— <p>(a) Parliament shall not have power to make laws with respect to any right relating to posts and telegraphs in any State or group of States for the time being specified in Part III of the First Schedule subsisting at the date of commencement of this Constitution until</p>	

<p>States in Part III of the First Schedule.</p>	<p>such right is extinguished by agreement between the Government of India and that State or group of States or is acquired by the Government of India:</p> <p>Provided that nothing in this clause shall prevent Parliament from making any law for the regulation and control of posts and telegraphs in such State or group of States',</p> <p>(b) the power of Parliament to make laws with respect to telephones, wireless, broadcasting and other like forms of communication in any State for the time being specified in Part III of the First Schedule shall extend only to the making of laws for their regulation and control;</p> <p>(c) the power of Parliament to make laws with respect to corporations shall not include the power to make laws with respect to the incorporation, regulation and winding up of corporations owned or controlled by a State for the time being specified in Part III of the First Schedule and carrying on business only within that State.</p>	
<p>Extent of powers to legislate for States in Part III of the First Schedule.</p>	<p>225. Notwithstanding anything in this Chapter, the power of Parliament to make laws for a State or a group of States for the time being specified in Part III of the First Schedule shall be subject to the terms of any agreement entered into in that behalf by that State or group of States with the Government of India and the limitations contained therein.</p>	
<p>Power of parliament to legislate with respect to a matter in the State List in the national interest.</p>	<p>226. Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of</p>	

	the territory of India with respect to that matter.	
Power of parliament to legislate with respect to a matter in the State List if a Proclamation of Emergency is in operation.	<p>227. (1) Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Power of parliament to legislate with respect to a matter in the State List if a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.</p> <p>(2) A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.</p>	
Inconsistency between laws made by Parliament under articles 226 & 227 & laws made by the Legislatures of States.	<p>228. Nothing in articles 226 and 227 of this Constitution shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make, but if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the Legislature of the State shall prevail, and the law made by the Legislature of the State shall to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.</p>	
Power of Parliament to legislate for one or more States by consent &	<p>229.</p> <p>(1) If it appears to the Legislature or Legislatures of one or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the State or States except as provided in articles 226 and 227 of this Constitution</p>	

<p>adoption of such legislation by any other State.</p>	<p>should be regulated in such State or States by Parliament by law, and a resolution or resolutions to that effect is or are passed by the House or, where there are two Houses, by both the Houses of the Legislature of the State or of each of the States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such State or States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.</p> <p>(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.</p>	
<p>Legislation for giving affect to international agreements.</p>	<p>230. Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for any State or part thereof for implementing any treaty, agreement or convention with any other country or countries.</p>	
<p>Inconsistency between laws made by Parliament & laws made by the Legislatures of States.</p>	<p>231.</p> <p>(1) If any provision of a, law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law regarding a matter with respect to which Parliament has power to make laws, then, subject to the provisions of clause (2) of this article, the law made by Parliament, whether passed before or after the law made by the Legislature of such State or, as the case may be, the existing law shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.</p> <p>(2) Where a law made by the Legislature of a State for the time being Specified in Part I of the First Schedule with respect to one of the matters</p>	

	<p>enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or any existing law with respect to that matter, then the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail:</p> <p>Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.</p>	
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Restriction on Legislative Powers

<p>Requirements as to recommendation to be regarded as matters of procedure only.</p>	<p>232. No Act of Parliament or of a Legislature of a State for the time being specified in Part I of the First Schedule and no provision in any such Act shall be invalid by reason only that some recommendation required by this Constitution was not given, if assent to that Act was given—</p> <p>(a) where the recommendation required was that of the Governor, either by the Governor or by the President;</p> <p>(b) where the recommendation required was that of the President, by the President.</p>	
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CHAPTER II-Administrative Relations

General

<p>Obligation of States & Union.</p>	<p>233. The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for this purpose.</p>	
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<p>Duty of States not to impede or prejudice authority of the Union.</p>	<p>234. (1) The executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the government of India to be necessary for that purpose.</p> <p>(2) The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance:</p> <p>Provided that nothing in this clause shall be taken as restricting the power of Parliament to declare highways or waterways to be national highways or national waterways or the power of the Union with respect to the highways or waterways so declared or the power of the Union to construct and maintain means of communication as part of its functions with respect to naval, military and airforce works.</p>	
<p>Power of the Union to confer powers etc., on States in certain cases.</p>	<p>235.</p> <p>(1) Notwithstanding anything in this Constitution, the President may with the consent of the Government of a State, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends.</p> <p>(2) A law made by Parliament which applies in any State may, notwithstanding that it relates to a matter with respect to which the Legislature of the State has no power to make laws, confer powers and impose duties, or authorise the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.</p> <p>(3) Where by virtue of this article powers and duties have been conferred or imposed upon a State or officers or authorities thereof, there shall be paid by the Government of India to the State such sum as</p>	

	<p>may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India in respect of any extra costs of administration incurred by the State in connection with the exercise of those powers and duties.</p>	
<p>Power of the Union to undertake Legislative, executive or judicial functions in certain States .</p>	<p>236.</p> <p>(1) The Government of India, may by agreement with any State for the time being specified in Part III of the First Schedule, but subject to the provisions of this Constitution in regard to the relationship between the Union and such State, undertake any executive, legislative or judicial functions vested in that-State.</p> <p>(2) The Government of India may also enter into such an agreement with the Government of any Indian State not specified for the time being in the First Schedule, but every such agreement shall be subject to, and governed by, the law relating to the exercise of foreign jurisdiction- for the time being in force.</p> <p>Explanation.—In this clause, the expression "Indian State' ' means any territory, not being part of the territory of India which the President recognises as being such a State.</p> <p>(3) If an agreement entered into with any State under clause (1) of this article provides for any matter with respect to which provision has been already made in an agreement entered into with such a State under article 237 of this Constitution by the Government of any State for the time being specified in Part I of the First Schedule, then the latter agreement shall, in so far as it provides for such matter, be deemed to be revoked and of no effect on and from the date of conclusion of the former agreement.</p> <p>(4) On a agreement under clause (1) of this article being concluded between the Union and a State for the time being specified in Part III of the First Schedule—</p>	

	<p>(a) the executive power of the Union shall extend to any matter specified in that behalf in such agreement;</p> <p>(b) Parliament shall have power to make laws with respect to any matter specified in that behalf in such agreement; and</p> <p>(c) the Supreme Court of India shall, subject to the provisions of clause (2) of article 114 of this Constitution, have jurisdiction with respect to any matter specified in that behalf in such agreement.</p>	
<p>Power of States in Part I of First Schedule to undertake Legislative, executive or judicial functions in State in Part III of the First schedule.</p>	<p>237.</p> <p>(1) It shall be competent for the Government of a State for the time being specified in Part I of the First Schedule With the previous sanction of the President to undertake, by an agreement made in that behalf with any State for the time being specified in Part III of the First Schedule, any legislative, executive or judicial functions vested in the latter State, if such agreement relates to a matter which is enumerated in the State List or the Concurrent List.</p> <p>(2) On an agreement under clause (1) of this article being concluded between a State for the time being specified in Part I of the First Schedule and a State for the time being specified in Part III of that Schedule—</p> <p>(a) the executive power of the State specified in Part I of the said Schedule shall extend to any matter specified in that behalf in such agreement;</p> <p>(b) the Legislature of the State specified in Part I of the said Schedule shall have power to make laws with respect to any matter specified in that behalf in such agreement; and</p> <p>(c) the High Court and other appropriate courts in the State specified in Part I of the said Schedule shall have jurisdiction with respect to any matter specified in that behalf in such agreement.</p>	
<p>Public acts records & judicial</p>	<p>*238.</p> <p>(1) Full faith and credit shall be given throughout the territory of India to public acts, records and judicial</p>	

proceedings.	<p>proceedings of the Union and of every State.</p> <p>(2) The manner in which and the conditions under which the acts, records and proceedings referred to in clause (1) of this article shall be proved and the effect thereof determined shall be as provided by law.</p> <p>(3) Final judgements or orders delivered or passed by civil courts in any part of the territory of India shall be capable of execution anywhere within that territory according to law:</p> <p>Provided that the provisions of clauses (1) and (3) of this article shall not apply to public acts, records and judicial proceedings of, and the final judgement or order delivered or passed by civil courts in, any State for the time being* specified in Part III of the First Schedule unless Parliament has, under the terms of any agreement entered into in that behalf by such State with the Union, power to make laws with respect to the matters enumerated in entries 2, 4 and 5 of the Concurrent List.</p>	
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Interference with Water-Supplies

Complaints as to interference with water supplies.	<p>239. If it appears to the Government of any State for the time being specified in Part I or Part III of the First Schedule that the interests of that State, or of any of the inhabitants thereof, in the water from any natural source of supply in any State have been, or are likely to be affected prejudicially by—</p> <p>(a) any executive action or legislation taken or passed, or proposed to be taken or passed; or</p> <p>(b) the failure of any authority to exercise any of their powers, with respect to the use, distribution or control of water from that source, the Government of the State may complain to the President,</p>	
Decision of complaints.	<p>240.</p> <p>(1) If the President receives such a complaint as</p>	

aforesaid, he shall, unless he is of opinion that the issues involved are not of sufficient importance to warrant such action, appoint a Commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law as he thinks fit, and request that Commission to investigate in accordance with such instructions as he may give to them, and to report to him on the matters to which the complaint relates, or such of those matters as he may refer to them.

(2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

(3) If it appears to the President upon consideration of the Commission's report that anything therein, contained requires explanation, or that he needs' guidance upon any point not originally referred by him to the Commission, he may again refer the matter to the Commission for further investigation and a further report.

(4) For the purposes of assisting a Commission appointed under this article in investigating any matters referred to them, the Supreme Court, if requested by the Commission so to do, shall make such orders for the purposes of the proceedings of the Commission as they may make in the exercise of the jurisdiction of the court.

(5) The report of the Commission shall include a recommendation as to the Government or persons by whom the expenses of the Commission and any costs incurred by any State or persons in appearing before the Commission are to be paid and as to the amount of any expenses or costs to be so paid; and an order made by the President under this article, in so far as it relates to expenses or costs, may be enforced as if it were an order made by the Supreme Court.

	<p>(6) After considering any report made to him by the Commission the President shall, subject as hereinafter provided, make orders in accordance with the report.</p> <p>(7) If upon consideration of the Commission's report the President is of opinion that anything therein contained involves a substantial question of law, he shall refer the question to the Supreme Court under article 119 of this Constitution and on receipt of the opinion of the Supreme Court thereon shall, unless the Supreme Court has agreed with the Commission's report, return the report to the Commission together with the opinion and the Commission shall thereupon make such modifications in the report as may be necessary to bring it in accord with such opinion and present the report as so modified to the President.</p> <p>(8) Effect shall be given, in any State affected, to any order made under this article by the President, and any Act of the Legislature of a State which is repugnant to the order shall, to the extent of the repugnancy, be void.</p> <p>(9) The President, on application made to him by the Government of any State affected, may at any time, if a Commission appointed as aforesaid so recommend, vary any order made under this article.</p>	
<p>Interference with water supplies of States in Part II of the First Schedule.</p>	<p>241. If it appears to the President that the interests of any State for the time being specified in Part II of the First Schedule, or of any of the inhabitants of such a State, in the water from any natural source of supply in any State for the time being specified in Part I or Part III of the First Schedule have been or are likely to be affected prejudicially by—</p> <p>(a) any executive action or legislation taken or passed, or proposed to be taken or passed; or</p> <p>(b) the failure of any authority to exercise any of their powers, with respect to the use, distribution or control of water from that source, he may, if he thinks fit, refer the matter to a Commission appointed in</p>	

	<p>accordance with the provisions of the last preceding article and thereupon those provisions shall apply as if the State for the time being specified in Part II of the First Schedule were a State for the time being specified In Part I of that Schedule and as if. a complaint with respect to the matter had been made by the Government of that State to the President.</p>	
<p>Jurisdiction of Courts excluded.</p>	<p>242. Notwithstanding anything in this Constitution, neither the Supreme Court nor any other court shall have jurisdiction to entertain any action or suit in respect of any matter, if action in respect of that matter might have been taken under any of the three last preceding articles by the Government of a State or the President.</p>	

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